

VZCZCXRO5970
RR RUEHCD RUEHGD RUEHHO RUEHMC RUEHNG RUEHNL RUEHRD RUEHRS RUEHTM
DE RUEHME #0828/01 0792239
ZNR UUUUU ZZH
R 202239Z MAR 09
FM AMEMBASSY MEXICO
TO RUEHC/SECSTATE WASHDC 5713
INFO RUEHXC/ALL US CONSULATES IN MEXICO COLLECTIVE

UNCLAS SECTION 01 OF 11 MEXICO 000828

SENSITIVE
SIPDIS

E.O. 12958: N/A

TAGS: [ASEC](#) [ELAB](#) [KCRM](#) [KFRD](#) [KTIP](#) [KWMN](#) [PHUM](#) [PREF](#) [SMIG](#)
SUBJECT: NINTH ANNUAL TRAFFICKING IN PERSONS (TIP) REPORT -
ADDITIONAL INFORMATION

REF: MEXICO 0586

¶1. The mission's point of contact on the Trafficking in Persons (TIP) Report is Poloff Suzanne Archuleta. She may be reached by telephone at (52) (55) 5080-2000, ext. 4806, or by fax at (52) (55) 5080-2247 or ArchuletaMS@state.gov). Post requests that the names of the non-governmental organizations (NGOs) working with the Government of Mexico (GOM) providing victim protection and assistance not be disclosed in this report. Post also requests that the names and details connected to ongoing investigations not be made public.

The following information is being sent as supplementary information to reftel.

MEXICO'S TIP SITUATION:

¶3. (SBU) QUESTION A. What is (are) the source(s) of available information on trafficking in persons? What plans are in place (if any) to undertake further documentation of human trafficking? How reliable are these sources?

POST RESPONSE: There are no reliable statistics regarding the extent of the trafficking problem. There are pending plans to better document the TIP problem under the terms of the 2007 Law to Prevent and Sanction Trafficking in Persons. The law mandates creation of an inter-agency commission (Article 10), responsible for coordinating all GOM actions to counter TIP, including analysis of the scope of the problem in Mexico. On February 27, 2009 regulations for implementation of the TIP were published laying the foundation for the creation of the proscribed interagency commission. The already existing Public Security National System is charged with gathering information to establish a statistical database on how often TIP crimes are committed. Guidelines will be established in the National Program to Prevent and Sanction Trafficking in Person (creation of which is required by the 2007 law).

The GOM's Special Office for Violent Crimes against Women and Trafficking in Persons (FEVIMTRA) reported providing assistance to 50 trafficking victims, 49 women and one man, from January 2008 to February 2009. The GOM's National Migration Institute (INM) reported identifying 55 possible TIP cases, involving 28 women and 27 men, from April 2008 to February 2009. Of those 55 cases, 6 were sexual exploitation, 31 were labor exploitation, and 18 were both.

The International Organization for Migration (IOM) reported that of the 51 trafficking victims it had assisted from January 2008 to January 2009, 39 were female and 12 were male. The majority came from Central America (72% Guatemalan), 76% were minors, 66% were labor exploitation victims, 22% sexual exploitation victims, and 10% were both.

INM reported that approximately 55,560 were repatriated in ¶2008. However, many NGO's believe this number to significantly under-represent migration through Mexico. Other information on trafficking patterns that is available

comes from NGOs or academics. However, most of these reports tend to contain more anecdotal evidence than concrete statistics.

In December 2008, the Chamber of Deputies, the National Human Rights Commission (CNDH) and the Center for Studies and Research in Social Development and Assistance (CEIDAS) began collaborating to create Mexico's first national report on trafficking in persons. This collaborative group intends to develop an analysis of the problem's scope in each Mexican state, and outline existing policies and programs to combat TIP. The report will also recommend preventive actions. If statistics are not received by regional states, data will be collected from other sources including the media. This data collecting process may distort the statistics in this report. No date is established for the completion of this report.

The NGO community has identified three problems with the recently published TIP legislation regulations that it maintains will impede the collection of information and documentation of trafficking cases. First, victims must press charges against traffickers; otherwise, they will not be considered TIP victims and will not be provided with assistance. Second international victims will be automatically repatriated back to their home countries if they choose not to press charges. Lastly, NGOs have been excluded from a separate consulting group committee that will focus on the documentation of human trafficking cases. NGOs argue that victims often are afraid to press charges against their assailant. Their decision to refrain from pressing charges should not automatically imply that cannot be identified as TIP victims and consequently ineligible for

MEXICO 00000828 002 OF 011

important services. The NGOs believe that without their participation on the consulting group committee, the government will not be able to produce accurate trafficking statistics.

19. (SBU) QUESTION B. Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

POST RESPONSE: On November 27, 2007, President Calderon signed federal anti-trafficking legislation which makes TIP a crime punishable at the federal level. Under the new law an interagency committee was created with all government agencies to coordinate on this issue. Agencies participating on the Inter-agency committee to address TIP include: Secretary of Government (SEGOB), National Migration Institute (INM), Mexican Attorney General's Office (PGR), National Institute for Women (INMUJERES), Secretary of Health, Mexico's Foreign Relations Secretariat (SRE), , Secretary for Public Security (SSP), Secretary for Health, Secretary for Communications and transportation (SCT), Secretary of Labor STPS), Secretary of Public Education (SEP), along with three academic experts, and three representatives from civil society. The law mandates that the executive appoint a single federal oversight element to manage operation of the inter-agency; the government has designated SEGOB as the lead. On February 27, 2007, the government officially published the regulations for implementation of the "Law to Prevent and Punish Trafficking in Persons."

110. (SBU) QUESTION C. What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

POST RESPONSE: Political will to address the problem is high, evidenced by actions taken by the federal and state governments since the last TIP report. In addition to the passage of federal anti-TIP legislation in 2007, 22 of Mexico's 31 states, as well as the Federal District, have anti-trafficking laws in place, although implementation and

use of these laws varies considerably;

--Mexico's Attorney General's office (PGR) created a special prosecutor for trafficking crimes, adding responsibility for trafficking investigations to an existing unit charged with addressing violent crimes against women (FEVIMTRA). This unit is responsible for providing legal, psychological, medical and social assistance to trafficking victims (children, women and men) and their families, with centers located in D.F., Chiapas, and Chihuahua. They also have a TIP hotline.

--In 2008, the National Migration Institute (INM) issued 3 humanitarian visas to trafficking victims; another 4 are in the process of being issued.

-- In 2008, Congress approved a \$7 million USD budget to construct a shelter specifically for trafficking victims. FEVIMTRA purchased a property that is currently being renovated. It hopes to finish renovations by the end of April. This specialized shelter, for both men and women, will hold up to 33 persons and will include a detoxification clinic, therapy rooms and workshop studios. Victims will be able to stay at this shelter for up to three months. Those considered protective witnesses will have permission to stay for up to one year. PGR reports that MexicoQ,s family welfare agency, Desarrollo Integral de la Familia (DIF), has a working shelter for children that have been sexually exploited, but not specifically trafficked. Additionally, the Attorney General's office made available a confiscated narco-residence in 2008 for use by a local NGO to exclusively shelter TIP victims.

Finally, media have expanded coverage and discussion of TIP as both civil society and government work to raise awareness of the problem.

Principal obstacles to full GOM engagement on TIP at all levels remain a) incomplete attention by law enforcement elements to investigating and prosecuting TIP-related offenses, b) limited fact-gathering on the full scope of problem in Mexico (as well as data on law enforcement actions at the state and local levels to curb it) and c) inadequate GOM resources devoted to victims assistance and protection. In addition, TIP must compete with other law enforcement priorities in Mexico. Over the past year, President Calderon has committed his administration and an increasing amount of human and financial resources toward the fight against drug trafficking and violence associated with the drug trade. Although TIP initiatives are given a priority, TIP enforcers must also address the broader problem of spiraling violence and criminality in Mexico. The GOM puts scarce TIP resources

MEXICO 00000828 003 OF 011

to good use, however, and has welcomed USG assistance and training.

Training needs to continue and expand in the areas of awareness-raising (the distinction between trafficking and smuggling remains unclear, particularly among local law enforcement officials); the identification of and interaction with victims; and the provision of services to trafficking victims. Finally, a lack of police professionalism, culture of impunity and official corruption (especially at the state and local level) remain significant impediments to effective TIP enforcement in Mexico.

16. (SBU) QUESTION E. Law Enforcement Statistics: Did the government prosecute any cases against human trafficking offenders during the reporting period? If so, provide numbers of investigations, prosecutions, convictions, and sentences imposed, including details on plea bargains and fines, if relevant and available. Please note the number of convicted traffickers who received suspended sentences and the number who received only a fine as punishment. Please indicate which laws were used to investigate, prosecute, convict, and sentence traffickers. Also, if possible, please disaggregate numbers of cases by type of TIP (labor vs. commercial sexual exploitation) and victims (children under

18 years of age vs. adults). If in a labor source country, did the government criminally prosecute labor recruiters who recruit workers using knowingly fraudulent or deceptive offers or by imposing fees or commissions for the purpose of subjecting the worker to debt bondage? Did the government in a labor destination country criminally prosecute employers or labor agents who confiscate workers' passports/travel documents for the purpose of trafficking, switch contracts or terms of employment without the worker's consent to keep workers in a state of service, use physical or sexual abuse or the threat of such abuse to keep workers in a state of service, or withhold payment of salaries as a means to keep workers in a state of service? What were the actual punishments imposed on persons convicted of these offenses? Are the traffickers serving the time sentenced? If not, why not?

POST RESPONSE: FEVIMTRA, within Mexico's Attorney General's office, reports that from January 31, 2008 to January 23, 2009, 11 investigations into suspected cases of trafficking for labor exploitation were initiated, and that 13 investigations were opened into suspected cases of trafficking for sexual exploitation. In October 2008, FEVIMTRA in the office of Mexico's Attorney General, made the first formal charges under the new federal anti-trafficking law in a case of trafficking for forced labor in the state of Chiapas. USG law enforcement reports that the GOM has participated in several investigations in coordination during the reporting period.

ICE and DOJ report that they are leading a working group with various GOM components to combat TIP. The group has focused much of its efforts on Tenancingo, Tlaxcala. An organization there recruits women, including minors, to go to the U.S. Once in the states, the organization on the U.S. side forces them into prostitution. ICE/Atlanta has made several arrests and has indicted three other individuals believed to be in Mexico.

ICE reports that a U.S. citizen, Michael Tork, was arrested in Acapulco during the raid of a massage parlor. Eight female trafficking victims were rescued, four of whom were minors. Tork was engaged in sexual relations with a 15 year old female at the time of the raid. Unfortunately, attempts to prosecute Tork in Mexico were thwarted when the minor refused to provide the necessary statement to prosecute.

From January 2007 through March 2009, at the state level, the Chihuahua Attorney General's Office reports that it opened nine cases involving trafficking in persons -- two have produced arrests and are awaiting trial; seven remain under investigation:

- In the first case, an adult male coerced two minor females, 15 and 17 years of age, to take drugs and have sexual relations with him. The indicted adult male is currently out on bail.

- In the second case, an adult male and adult female used gifts or money to lure six minor boys, between the ages of 8 and 11, to hotels to perform sexual acts. The indicted adults are awaiting prosecution and in prison;

- Of the seven cases under investigation, one case was unidentified, one involved labor exploitation of an adult female, and the others involved the sexual exploitation of two adult females and two female minors.

MEXICO 00000828 004 OF 011

According to media reports, four women found captive in a brothel in the town of Apizaco in the state of Tlaxcala were rescued in March 2009. These women were being held by pimps who physically abused them and forced them to prostitute themselves in Tijuana and other cities. The pimps used romantic relationships to lure them initially and then forced them into prostitution under the threat of doing harm to them

and their families if they refused. This case is under investigation.

Also according to media reports, local authorities raided a well known location of under-aged prostitution in La Merced, Mexico City, arresting 28 people and rescuing 45 women. A local NGO argues that out of the 1,500 women prostituted in this area, at least 500 of them are minors, principally from Tlaxcala and Puebla.

The Federal Police, in a press release in January 2009, reported the arrest of 8 women and 11 men. These individuals were allegedly part of a trafficking group in Puebla that forced an undisclosed number of captives to take drugs and prostitute themselves.

In January 2009, various media sources reported that three Guatemalan citizens were arrested in Comitán, Chiapas for trafficking 16 Guatemalan children, between 18 months and 15 years of age, including two in wheelchairs, to work for 30 Mexican pesos (USD \$2.16) a day peddling gum and candies on the streets of San Cristóbal de las Casas, Chiapas.

According to a January 2009 PGR release, a 41 year old adult was arrested and is being investigated for the labor exploitation of 19 Guatemalans. Eleven of the alleged victims were rescued, 8 of whom were minors.

On January 20, CNDH made an official recommendation to SRE, the Secretariat of Labor, INM and the state of Querétaro that they investigate the case of 65 Mexicans that were allegedly forced to work under slavery-like conditions in the Bahamas. This case is pending.

(Note: Post continues to seek information from FEVIMTRA on federal investigations and prosecutions, and will continue to update G/TIP on additional cases.)

17. (SBU) QUESTION F. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking? Specify whether NGOs, international organizations, and/or the USG provide specialized training for host government officials.

POST RESPONSE: National Migration Institute (INM) developed (with the support from civil society organizations and inter-governmental agencies with experience on trafficking in persons) specific procedures and accurate guidelines to identify and provide attention to victims in four areas: minors detected by INM; minors in custody from other authorities; adults who present themselves voluntarily; adults detected by migration officials.

Coordination of Control and Migration Verification at INM developed the procedures for the annual program of supervision for all the regional delegations for the purpose of verifying businesses who hire foreigners in order to better identify at risk populations. During 2008, INM provided training for its own personnel, regional TIP inter-agency committees, Federal Police and various District Attorney offices. TIP inter-agency committees are being created throughout the country. Each committee is made up of personnel from PGR, CISEN, INM, DIF, INMUJERES and depending on the state, various other government offices and NGOs. The committee planning process is underway in 24 of Mexico's 31 states and Mexico City. The two largest committees are in Guerrero and Chiapas. INM plans to continue training in 2009.

Training:

From March 2008 to June 2008, 783 persons participated in TIP courses sponsored by INM, in coordination with PROTEJA, for INM personnel and the inter-agency TIP committees in the State of Mexico, Puebla, Campeche, Guadalajara, Querétaro, Michoacán, Guanajuato, Acapulco, Veracruz, Tlaxcala, Durango, Aguascalientes, San Luis Potosí, Chihuahua, Tabasco, and Coahuila.

In April 2008, September 2008, and November 2008 198 persons participated in TIP courses sponsored by INM, in coordination with PROTEJA, open to the general public, in Guadalajara, Hidalgo and Mexico D.F.

MEXICO 00000828 005 OF 011

On May 20 and May 29, 2008, 56 persons participated in a TIP Task Force training course sponsored by FEVIMTRA, in coordination with PROTEJA, in Mexico, D.F. and Taxco.

From May 2008 to December 2008, INM, in coordination with PROTEJA, sponsored courses on TIP materials for migration agents and law enforcement officials from Mexico D.F., Yucatan, Colima, Guerrero, Sinaloa, Sonora, Tamaulipas, Nayarit, Guanajuato, and Quintana Roo.

From August 2008 to November, 175 persons from PGR and 80 INM public servants participated in a four day training course sponsored by INM, in coordination with PROTEJA, on detection and identification of TIP cases in Mexico D.F., Tijuana, and Cuernavaca.

On December 1, 2008- INM's Migratory Inspection Office provided TIP training and awareness to call center personnel in how to use the 1-800-TRATA hotline in Mexico, D.F.

On December 15-17, 2008, 42 PGR public servants participated in the First Latin American Forum on TIP in Mexico, D.F.

During this reporting period, ICE and DOJ trained in excess of 200 GOM personnel (including, but not limited to PGR, SSP and INM) and NGOs.

119. (SBU) QUESTION H. Does the government extradite persons who are charged with trafficking in other countries? If so, please provide the number of traffickers extradited during the reporting period, and the number of trafficking extraditions pending. In particular, please report on any pending or concluded extraditions of trafficking offenders to the United States.

POST RESPONSE: On January 19, 2007, Mexican national Carreto Valencia was extradited to the United States to stand trial in the Eastern District of New York for the smuggling of young Mexican women into the United States and forcing them into prostitution. In July 2008, she pled guilty to a federal sex trafficking charge in that case. Prior to her extradition, Carreto Valencia was serving a Mexican sentence for trafficking offenses in Mexico. In addition to Carreto, Mexico extradited Juan Luis Cadena Sosa to the US in November 2007 to face sex trafficking charges in the Southern District of Florida. In September 2008, he was sentenced to 15 years in prison in that case. Previously, in July 2006, the United States extradited Jean Succar Kuri to Mexico to face Mexican charges for running a child sex ring in Cancun. There have been no trafficking-related extraditions between the US and Mexico during the current reporting period (March 08-February 09).

121. (SBU) QUESTION J. If government officials are involved in trafficking, what steps has the government taken to end such participation? Please indicate the number of government officials investigated and prosecuted for involvement in trafficking or trafficking-related corruption during the reporting period. Have any been convicted? What sentence(s) was imposed? Please specify if officials received suspended sentences, or were given a fine, fired, or reassigned to another position within the government as punishment. Please indicate the number of convicted officials that received suspended sentences or received only a fine as punishment.

POST RESPONSE: If government officials are involved in trafficking, the GOM added penalties in the new federal law to address officials involved in trafficking. Article 6 (a) states: "The penalties set forth in paragraphs 1 and 2 of

this Article shall be increased by up to one-half when: (a) The perpetrator avails himself of a public office that he may hold or may have pretended to hold without actually being a public servant. When the perpetrator is a public servant, he shall be stripped of his public position, office, or commission and be prohibited from performing any other for up to a period of time equal to the term of imprisonment imposed; the same penalty shall apply when the victim is a person over 60 years of age or is an indigenous person."

Two INM officials, Oscar Manuel Navarete Orozco and Maria America Maldonado Alfaro, arrested in 2007 remain in custody accused by PGR of leading an organized criminal group that trafficked persons, including undocumented workers. Post is hoping to receive updated information on these cases from INM.

124. (SBU) QUESTION M. If the country has an identified problem of child sex tourists coming to the country, what are the countries of origin for sex tourists? How many foreign pedophiles did the government prosecute or deport/extradite to their country of origin? If your host country's nationals

MEXICO 00000828 006 OF 011

are perpetrators of child sex tourism, do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act) to allow the prosecution of suspected sex tourists for crimes committed abroad? If so, how many of the country's nationals were prosecuted and/or convicted during the reporting period under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

POST RESPONSE: Mexico is a country with an identified child sex tourism problem. Mexico is a destination for sexual tourists and pedophiles, particularly from the United States.

There are no specific laws against sex tourism, although federal law criminalizes corruption of minors, which is punishable by five to 10 years' imprisonment. Mexico's Attorney General's office reports that in 2008 10 individuals were prosecuted, deported or extradited to third countries for their participation in sex-tourism related activities which involved the corruption of minors. According to the U.S. Marshals Service, Mexico sent eleven fugitives (seven were deported and four extradited to the U.S. for sex offenses involving minors during the reporting period. Thomas White, who officially renounced his U.S. citizenship in October 2008, remains in custody in the state of Jalisco pending federal charges of child corruption and completion of a U.S. extradition request.

The names and details of these cases, and of the individuals subject to ongoing investigations, are not/not available for public disclosure.

126. (SBU) QUESTION B. Does the country have victim care facilities (shelters or drop-in centers) which are accessible to trafficking victims? Do foreign victims have the same access to care as domestic trafficking victims? Where are child victims placed (e.g., in shelters, foster care, or juvenile justice detention centers)? Does the country have specialized care for adults in addition to children? Does the country have specialized care for male victims as well as female? Does the country have specialized facilities dedicated to helping victims of trafficking? Are these facilities operated by the government or by NGOs? What is the funding source of these facilities? Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to helping trafficking victims during the reporting period.

POST RESPONSE: Both the Mexican federal government and some states have crime victim assistance programs. The programs cover legal assistance and medical services and psychological counseling. The DIF, for example, provides temporary shelter and medical services to unaccompanied minors, with programs

on the northern border. These shelters may serve victims of trafficking, but do not provide tailored services to trafficking victims and have not established a referral system. The DIF tries to locate parents or family members in order to repatriate the children. The quality of the programs varies.

In 2008, the INM authorized the issuance of 3 humanitarian visas to victims who agreed to assist in prosecution cases; 4 additional visas are in the process of being issued. The visas are issued with a validity of one year and are renewable up to four times. Individuals are eligible to apply for naturalization after their fifth year in Mexico. The INM has a migration station in Tapachula, Chiapas and in 46 other places throughout the country in order to process migrants. This facility provides separate accommodations for men, women, children and families. Several trafficking victims have been identified in migration stations and are then passed on to NGOs or DIF-run shelters.

As discussed in 10.c., the GOM is currently working to open a specialized shelter for TIP victims, in Mexico City, to accommodate up to 33 individuals. This shelter is being renovated and GOM officials to open its door as soon as possible.

128. (SBU) QUESTION D. Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation? If so, please explain.

POST RESPONSE: The GOM does provide assistance through humanitarian visas; FEVIMTRA provides victims' support resources to foreign trafficking victims. Humanitarian visas are valid for one year, renewable, and granted to victims who agree to cooperate in the prosecution of their case. Law enforcement and migration officials do encourage victims to cooperate with investigations; however, victims rarely identify themselves as victims of trafficking and often times

MEXICO 00000828 007 OF 011

migrants who are exploited through their employers are afraid to tell authorities for fear deportation.

Since the beginning of 2008, INM reports that they identified only one trafficking victim from Ecuador. However, through NGOs and media reports Post received information in February 2009 about 11 Guatemalans, 8 adults and 3 minors, February 2009, who may possibly be TIP victims. This case is under investigation and the presumed trafficker is in jail. The 3 minors were returned to Guatemala, but the 8 adults allegedly stayed in Mexico with humanitarian visas. There is also another TIP labor case, November 2008, involving 4 Chinese individuals, 3 women and one man. These individuals were working 20 hour days, 7 days a week, for less than meager wages in Tijuana. The 3 women decided to return to China for fear of repercussions here in Mexico. The man decided to stay in Mexico and was brought to Mexico City by FEVIMTRA and provided with a translator and temporary housing and accommodations. FEVIMTRA provided this individual with a humanitarian visa and he decided to stay and work in Mexico.

Also see 16.E. for other media reports involving foreign trafficking victims. Specific information about the assistance these individuals received was not available.

129. (SBU) QUESTION E. Does the government provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives?

POST RESPONSE: No long term shelter or housing is available; however FEVIMTRA provides victims' assistance for up to three months in the form of individualized emotional therapy, legal advice, and group therapy. Longer term assistance is provided through unofficial referrals to NGOs.

130. (SBU) QUESTION F. Does the government have a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care (either government or NGO-run)?

POST RESPONSE: Once a victim has been identified, by either INM or FEVIMTRA, government personnel work to place the victim at a local shelter. There is no official referral process, government workers refer victims to local shelters based upon availability,

131. (SBU) QUESTION G. What is the total number of trafficking victims identified during the reporting period? Of these, how many victims were referred to care facilities for assistance by law enforcement authorities during the reporting period? By social services officials? What is the number of victims assisted by government-funded assistance programs and those not funded by the government during the reporting period?

POST RESPONSE: FEVIMTRA reported providing assistance to 50 trafficking victims, 49 women and 1 man, from January 2008 to February 2009. INM reported identifying 55 possible TIP cases, 28 women and 27 men, from April 2008 to February 2009. Of those 55 cases, 6 involved sexual exploitation, 31 were labor exploitation, and 18 were both.

From January 2008 to January 2009, IOM reported that 51 trafficking victim cases (39 women and 12 men) were identified and assisted through their organization. The majority of these cases were referred to them by INM.

132. (SBU) QUESTION H. Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)? For countries with legalized prostitution, does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

POST RESPONSE: Mexico's family welfare agency, Desarrollo Integral de la Familia (DIF) continues to operate shelters for unaccompanied migrant children who are intercepted at the northern border. Third Country Nationals (TCNs) intercepted at the border are generally placed in a migration detention station until they can be repatriated. NGOs such as Casa Alianza offer shelter to street children, mainly adolescents, who are often victims of sexual exploitation; and Casa de las Mercedes offers shelter and training to former prostitutes and their children. FEVIMTRA and INM have also referred several trafficking victims to NGOs or state-run shelters for assistance.

MEXICO 00000828 008 OF 011

INM refers trafficking victims to IOM. During the reporting period, IOM reported rescued and provided assistance to 51 trafficking victims.

133. (SBU) QUESTION I. Are the rights of victims respected? Are trafficking victims detained or jailed? If so, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

POST RESPONSE: Migrants from Central American and other countries who travel to Mexico illegally and violate Mexican immigration laws are usually deported within 90 days. Once migration officials identify an illegal migrant, INM takes them to their detention center where they conduct interviews to see if any crime has been committed during their travel to/through Mexico. If the migrant is identified as a victim of trafficking, INM officials say they then turn them over to

DIF, if they are under the age of 12 or to the appropriate Embassy or Consulate or to shelters that can support victims of trafficking (i.e. Casa del Migrante or IOM).

134. (SBU) QUESTION J. Does the government encourage victims to assist in the investigation and prosecution of trafficking? How many victims assisted in the investigation and prosecution of traffickers during the reporting period? May victims file civil suits or seek legal action against traffickers? Does anyone impede victim access to such legal redress? If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Are there means by which a victim may obtain restitution?

POST RESPONSE: Law enforcement and migration officials encourage victims to cooperate with investigations; however, victims rarely identify themselves as victims of trafficking and often times migrants who are exploited through their employers are afraid to tell authorities for fear deportation. Before the passage of the new federal law, trafficking in persons was not designated as a specific federal crime, and suspects were charged with other crimes not trafficking. As stated above, Mexico's Attorney General's office has initiated 24 investigations under the new law, and leveled formal charges under the new law in one instance. (Note: Post is working to obtain information on the Chiapas case and to confirm the number of investigations from SRE.)

135. (SBU) QUESTION K. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? What is the number of trafficking victims assisted by the host country's embassies or consulates abroad during the reporting period? Please explain the type of assistance provided (travel documents, referrals to assistance, payment for transportation home).

POST RESPONSE: The GOM continues to work with DOJ, USAID and ICE on training government officials in identifying trafficking victims. SRE officials are implementing programs to assist Mexican trafficking victims in the U.S.

136. (SBU) QUESTION L. Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?

POST RESPONSE: Through the DIF, the government continues to administer assistance programs and provide shelters for migrants through DIF on the northern border. NGOs also continue to provide assistance to victims of trafficking and street children and migrants:

Alternativas Pacificas, based in Monterrey continues to provide support for victims of trafficking. Alternativas Pacificas is a holistic shelter model for domestic violence victims and created a national network of shelters. Within the past few years, the shelters have provided services to victims of trafficking.

Casa Alianza Mexico runs a network of shelters dedicated to street children. Most of the children are victims of domestic violence as well as trafficking. Casa Alianza provides comprehensive service such as food, education, health care, religion, legal counseling, and psychological assistance. Casa Alianza works with DIF and also receives the cooperation of INM when assistance is needed to

MEXICO 00000828 009 OF 011

repatriate undocumented migrants.

Bilateral Safety Corridor Coalition (BSCC) works on the US and Mexican sides of the border, with offices in San Diego and Cancun. BSCC has launched awareness campaigns, developed a coalition of civil society organizations to combat trafficking, and trained Mexican law enforcement and other officials. BSCC works closely with state-level DIF offices, the State Commission for Human Rights and federal law enforcement.

Casa de las Mercedes provides assistance and support to women of all ages who live on the streets and are victims of mistreatment, sexual abuse, and sexual exploitation. The NGO runs a shelter in which these women and their children can live (as long as necessary) and receive medical and psychological attention, food, legal counseling and education.

The Casa del Migrante runs shelters in Tapachula, Ciudad Juarez and Tijuana where they primarily attend to migrants but also encounter TIP victims. In its Tapachula shelter, the organization recently added a separate area dedicated for trafficking victims. Casa del Migrante has a good relationship with INM.

Centro de Estudios e Investigacion en Desarrollo y Asistencia Social (CEIDAS) is promoting awareness of trafficking through the media, academic conferences, studies and other outreach strategies.

The Coalition Against Trafficking in Women (CATW) actively works to raise awareness about TIP, such as on programs designed to prevent the sexual exploitation of minors, particularly by trying to lower the demand. CATW has trained law enforcement officials on trafficking. CATW reports having received funding from INMUJERES and Mexico City Government.

Centro Integral de Atencion a la Mujer (CIAM), located in Cancun, provides short and long term services to women victims of domestic and sexual violence-including crisis prevention, legal assistance, medical and psychological and vocational counseling, and also protection. CIAM provides services to trafficking victims, conducts anti-TIP public awareness campaigns and works with the hotel industry and the local government in efforts to combat trafficking.

Fundacion Infancia works with the tourism industry on prevention of child sexual exploitation. Fundacion Infancia works with the BSCC and the International Labor Organization (ILO) in providing training to government entities and schools and has worked with local DIF offices.

International Organization for Migration works extensively with the GOM, mostly with the INM to provide training to immigration officials on both the northern and southern borders. The IOM works closely with Casa del Migrante in Tapachula, Chiapas, as well as Casa de las Mercedes in Mexico City, among many other NGOs and shelters. The INM regularly contacts the IOM for assistance with suspected trafficking victims.

The Fundacion Camino a Casa, a faith-based organization, operates a shelter exclusively for TIP victims in a confiscated narco-residence made available to them by the Attorney General's office in 2008. They work closely with PROTEJA and provide educational and vocational to trafficking victims, mostly young women.

Additionally, the Attorney General's office made available a confiscated narco-residence in 2008 for use by a local NGO to exclusively shelter TIP victims.

INMUJERES is also involved in anti-TIP efforts, mostly through funding programs and its programs to counter violence against women and educate women on their rights.

Sin Fronteras has a good working relationship with the GOM, particularly with the INM and the SRE's Secretariat for

Global Affairs. Sin Fronteras provides legal and social services for migrants in Mexico, and it has been called upon to assist the INM with providing assistance to trafficking victims.

NOTE: The names of NGOs working with the GOM on victim protection and assistance are not/not for public disclosure. End note.

PREVENTION:

138. (SBU) QUESTION A. Did the government conduct anti-trafficking information or education campaigns during

MEXICO 00000828 010 OF 011

the reporting period? If so, briefly describe the campaign(s), including their objectives and effectiveness. Please provide the number of people reached by such awareness efforts, if available. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)?

POST RESPONSE: In January 2009, FEVIMTRA started a national anti-TIP awareness campaign to disperse 19 types of posters, flyers, pamphlets, 3-part leaflets, brochures and flip-charts across the country. In all, 7,800,000 pieces of material were printed. Information distribution to 70 cities should be completed by the end of March. Target distribution areas include: city, state and federal DIF offices; INM offices and migration stations; free milk distribution centers; city and state public assistance offices; elementary, middle and high schools; NGOs; FEVIMTRA offices and events; hotels, bars, nightclubs, discotecas, dancehalls; airports and bus terminals; PGR offices; hospitals and public health clinics; attorneys general offices; public libraries; and Federal Government institutions in all states. Close attention is being made to ensure that specialized materials are sent to the correct locations to target potential trafficking victims and to hamper the demand for trafficking. For example, a 3-part leaflet titled, "Trafficking in persons is a crime and punishable by law," is being dispersed in nightclubs, hotels, airports and bus terminals.

139. (SBU) QUESTION B. Does the government monitor immigration and emigration patterns for evidence of trafficking? Do law enforcement agencies screen for potential trafficking victims along borders?

POST RESPONSE: The GOM, Migration officials, Grupos Beta, PGR all recognize the large influx of trafficked person and other illegal migrants entering through the southern border with the intention of transiting Mexico en route to the U.S., but scarce resources continue to prevent them from training personnel to effectively screen for potential trafficking victims. INM report that they deported approximately 33,400 aliens from January through December 2008. Human rights organizations and international organizations say that there was an increase of children crossing the southern border alone often times falling prey to traffickers.

In 2008, INM authorized the issuance of 3 humanitarian visas (4 are in the process of being issued), which are valid for one year, renewable, and granted to victims who agree to cooperate in the prosecution of case. In operations to secure its borders, INM nonetheless misses significant opportunities to identify victims. The lack of standardized training on victim identification and a paucity of public resources to screen Central Americans traveling through Mexico prevent officials from accurately screening and interviewing individuals to see if they are victims of trafficking.

INM has 47 migration stations throughout Mexico. CNDH reportedly has two offices in these stations, one in D.F., one in Tapachula, and visits the others. INM officials say that when they find migrants who are within Mexico illegally, they send them to the migration stations where they are asked

several questions to determine if the person is a victim of trafficking. If not, INM contacts the appropriate Embassy or Consulate in order to provide services to the illegal migrants. Within 90 days the migrants are usually deported back to their home countries.

INM has developed a specific migration permit for Central Americans seeking to work in Mexico. The Migratory Form for Border Workers (FMTF) was created to assist in ensuring respect for human rights and protection of Central American migrants who want to work legally in Mexico. The FMTFs contain personal information on the individual, including information on the employer in order to track workers and employers. This enables migration officials to conduct periodic checks on employers to ensure that they are abiding by proper labor standards.

41. (SBU) QUESTION D. Does the government have a national plan of action to address trafficking in persons? If the plan was developed during the reporting period, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to implement the action plan?

POST RESPONSE: Under the new federal law, the GOM is required to create such a plan. Article 12 of the new federal law states: "The Inter-Agency Commission shall develop the National Program to Prevent and Punish Trafficking in Persons." Section 2 states: "Establish

MEXICO 00000828 011 OF 011

prevention, protection and care campaigns for trafficking in persons based on the principle of safeguarding human dignity and human rights with special attention to children, adolescents and women." With the completion of the "Law to Prevent and Sanction Trafficking in Persons" regulations on February 27, 2009, by law, the inter-agency trafficking commission has 60 days to complete their own internal regulations, and is required to frame a national plan within one year.

Visit Mexico City's Classified Web Site at <http://www.state.sgov.gov/p/wha/mexicocity> and the North American Partnership Blog at <http://www.intelink.gov/communities/state/nap/> / BASSETT